IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.1437/1999.

Naveen Mehta. **VERSUS** Union of India & Ors.

14.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Miss Anisha Jain, for the petitioner.
Mr.Shashank Sharma on behalf of
Mr.K.K.Sharma]
Mr.A.Kasliwal] for the respondents.

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In this writ petition, the petitioner who had applied for a retail outlet of petroleum products at Adarsh Nagar in Jaipur City has challenged the selection of the respondent No.5 Manoj Kumar Agarwal on the ground that as per the para 2(घ) of the advertisement. It is incumbent that the candidate must have been a resident of district Jaipur, Alwar, Sikar, Dausa, Ajmer, Tonk, Nagaur, Sawai Madhopur for being eligible for the dealership at Adarsh Nagar in the city of Jaipur.

It is submitted that the respondent No.5 is not a resident of any of the aforesaid districts but he is a resident of the District Bikaner.

It was put to the learned counsel appearing on behalf of the respondent Corporation as to the status of the complaint preferred by the petitioner against the aforesaid selection before the competent authority. It is submitted by the learned counsel appearing for the Corporation that till date the said complaint has not been decided and the communication from the competent authority has not been received regarding the

decision on the complaint.

Since the selection procedure itself provides for preferring a complaint by the person aggrieved against the selection and the aforesaid remedy having been resorted to by the petitioner and the decision on the same not having been communicated so far the writ petition is disposed of with a direction that the competent authority shall take a decision on the complaint filed by the petitioner within a period of two months and convey the same to the petitioner.

The competent authority before taking the aforesaid decision shall also afford an opportunity of hearing to the petitioner as well as to the respondent No.5 who is the selected candidate. In case, the petitioner is not satisfied with the outcome of the complaint, the petitioner is at liberty to challenge the aforesaid decision as well as the original decision of the selection committed in this behalf.

Subject to the aforesaid, this writ petition stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.